



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/733,868 | 12/08/2000 | Jonathan L. Joseph | INQ-001 | 3141 |

959 7590 09/22/2004

LAHIVE & COCKFIELD, LLP.
28 STATE STREET
BOSTON, MA 02109

EXAMINER

CHANG, ERIC

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2116

DATE MAILED: 09/22/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

86

Office Action Summary

Application No.

09/733,868

Applicant(s)

JOSEPH ET AL.

Examiner

Eric Chang

Art Unit

2116



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10,13-23,26,27,30-36 and 39-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10,13-23,26,27,30-36 and 39-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-10, 13-23, 26-27, 30-36 and 39-46 are pending.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-5, 10, 13-18, 23, 26-27, 30-31 and 36 and 39-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,477,642 to Lupo, in view of U.S. Patent 6,158,000 to Collins.

4. As to claims 1-5, 14-18, 27 and 30-31, Lupo discloses a method for displaying selected content to a user during the POST, said method comprising:

[a] initiating said POST [col. 7, lines 44-62];

[b] retrieving selected content from a designated persistent storage medium separate from a storage medium holding a BIOS [col. 8, lines 24-29];

[c] displaying said selected content to said user during the remainder of the POST [col. 8, lines 60-63];

[d] subsequently updating said selected content [col. 9, lines 51-67, and col. 10, lines 1-9]; and

[e] displaying the updated selected content to a user during the next POST, prior to the next loading of an operating system [col. 10, lines 14-23].

Art Unit: 2116

Lupo teaches loading content, such as graphics from an initial payload, and displaying said content to a user during the POST process. Lupo also teaches that the initial payload may be stored either in a ROM that also contains the BIOS [FIG. 3, element 175], or alternatively, in a persistent storage such as flash memory other than the ROM that contains the BIOS [FIG. 3, element 152], substantially as claimed. In addition, Lupo teaches a process by which the content is updated by downloading new payloads from the persistent storage device on a remote server [FIG. 3, element 22], and that the update can occur either automatically, in response to a user request [col. 9, lines 59-60].

Lupo teaches all of the limitations of the claims but does not teach that the display occurs during a created time interval between the completion of the POST and the commencement of the loading of the operating system.

Collins teaches displaying information during a boot process during a time interval between the completion of the POST and the commencement of the loading of the operating system [FIG. 3, element 322, and col. 7, lines 52-55]. Thus, Collins teaches a boot information display method similar to that of Lupo. Collins further teaches the information is displayed during a time interval created specifically for said display.

At the time that the invention was made, it would have been obvious to a person of ordinary skill in the art to employ the boot information display time interval as taught by Collins. One of ordinary skill in the art would have been motivated to do so that information can be displayed to the user without interfering with the existing boot process.

It would have been obvious to one of ordinary skill in the art to combine the teachings of the cited references because they are both directed to the problem of displaying information to

Art Unit: 2116

the user during the boot process before the operating system is loaded. Moreover, the boot information display time interval means taught by Collins would improve the utility of Lupo because it allowed other boot information, such as other results of the boot process, to be displayed to the user.

5. As to claims 10, 23 and 36, Lupo teaches all of the limitations of the claim. In addition, Lupo discloses that the content retrieved and displayed is based on a user profile [col. 8, lines 65-67, and col. 9, lines 1-3], substantially as claimed.

6. As to claims 13, 26 and 39, Lupo teaches that the user may be queried during the POST [col. 3, lines 50-56], and that the downloaded content may be modified according to the user profile constructed therefrom [col. 9, lines 51-67].

7. As to claim 40, Lupo teaches the electronic device is a computer system [col. 2, lines 38-45].

8. As to claims 41-46, Lupo teaches a method for displaying selected content to a user during the POST process, comprising retrieving content from a designated persistent storage medium separate from a storage medium holding a BIOS, displaying said selected content to said user, subsequently updating said selected content, and displaying the updated selected content to a user during the next POST, prior to the next loading of an operating system, substantially as claimed. In addition, Collins teaches displaying said information may occur during a boot

Art Unit: 2116

process during a time interval between the completion of the POST and the commencement of the loading of the operating system [FIG. 3, element 322, and col. 7, lines 52-55]. Because Lupo and Collins teach the method, Lupo and Collins teach a medium holding executable steps for implementing such a method. Furthermore, Lupo teaches the electronic device is a computer system [col. 2, lines 38-45].

9. Claims 6-9, 19-22 and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,477,642 to Lupo, in view of U.S. Patent 6,158,000 to Collins.

10. As to claims 6-9, 19-22 and 32-35, Lupo discloses a data loader application that provides traffic control management and other communication facilitation between the server and the end user's system [col. 7, lines 36-50]. It would have been obvious to one of ordinary skill in the art that such management comprises determining available bandwidth and CPU processing availability, in order to facilitate said retrieval of updated content from a remote server, substantially as claimed.

Response to Arguments

11. Applicant's arguments with respect to claims 1-27 and 30-46 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

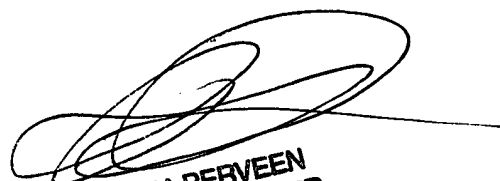
Art Unit: 2116

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Chang whose telephone number is (703) 305-4612. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 13, 2004
ec



REHANA PERVEEN
PRIMARY EXAMINER